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**IN THE
UNITED STATES
PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Wurft

CASE: 57801.010026

**REQUEST FOR WITHDRAWAL
OF HOLDING OF ABANDONMENT
OF APPLICATION**

SERIAL NO.: 10/086,229

FILING DATE: February 27, 2002

FOR: WHEEL FOR A MOTOR VEHICLE MADE FROM A
MAGNESIUM-CONTAINING ALLOY

ATTENTION OF:
Petitions Office
EXAMINER:
Jason Bellinger

COMMISSIONER OF PATENTS
WASHINGTON, D.C. 20231

RECEIVED
OCT 31 2003
GROUP 3600

Dear Sir:

If any charges or fees must be paid in connection with the following communication, they may be paid out of our Deposit Account No. 502428.

INTRODUCTORY COMMENTS

Applicant respectfully requests that the Notice of Abandonment (Exhibit A), which was mailed October 7, 2003 in the above-identified Patent Application be withdrawn as being inappropriately issued.

Applicant received an Office Action in the above-identified application, which was mailed February 27, 2003 thus setting a shortened statutory period for response ending May 27, 2003. In response thereto, Applicant submitted an Amendment and Communication together with a Request for Extension of Time for two months up to and including July 28, 2003, which included an express authorization to charge the extension fee to Applicant's attorneys' deposit account on July 28, 2003 via telecopier transmission. Copies of the Request for Extension of Time, Amendment and Communication and facsimile transmittal coversheet are attached hereto as Exhibit B.

Successful transmission of the fax is evidenced by the enclosed photocopy of the confirmation report (Exhibit C), which indicated that all eighteen (18) pages comprising Applicant's response to the pending Office Action were successfully transmitted.

Subsequently, on October 14, 2003, Applicant's undersigned attorneys received the Notice of Abandonment.

In view of the foregoing, it appears that Applicant's response, which was timely filed on July 28, 2003 with the proper Request for Extension of Time and Authorization for Payment for the Request for Extension of Time, was inadvertently misplaced and/or otherwise not matched with the file, prior to the expiration of the six month statutory period for response, which expired on August 27, 2003. Therefore, Applicant respectfully submits that the holding of abandonment is inappropriate and should be withdrawn.

While Applicant submits that no fee should be required in order to affirm Applicant's request for withdrawal of the holding of abandonment, should any fees be deemed to be required, they may be charged to Applicant's attorneys' deposit account no. 502428. If such fees are charged, Applicant respectfully requests advanced notice of same so that proper accounting and recordation in Applicant's records of the application may be made.

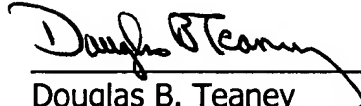
Acknowledgment of receipt of this Request for Withdrawal of Holding of Abandonment are respectfully requested.

Should anything further be required, a telephone call to the undersigned at (312) 456-8400 is respectfully solicited.

Respectfully submitted,

GREENBERG TRAURIG

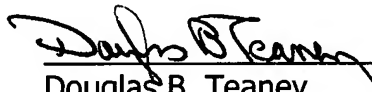
Dated: 10/23/03



Douglas B. Teaney
One of Attorneys for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450 on October 23, 2003.



Douglas B. Teaney

#209097



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,229	02/27/2002	Joerg Wurft	2020318	7795

34018 7590 10/07/2003

GREENBERG TRAURIG, P.C.
77 WEST WACKER DRIVE
CHICAGO, IL 60601-1732

EXAMINER

BELLINGER, JASON R

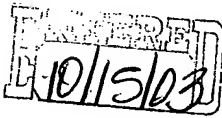
ART UNIT

PAPER NUMBER

3617

OCT 14 2003

DATE MAILED: 10/07/2003



Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED FOR

10/21/03 Reinstatement/
Withdrawal of abandonment
10/1/04 Reinstatement

Ex. A

Notic of Abandonment

Application N .

10/086,229

Examin r

Jason R Bellinger

Applicant(s)

WURFT, JOERG

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 27 February 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

JASON R. BELLINGER
PATENT EXAMINER

JLB
10/3/03

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

GREENBERG
ATTORNEYS AT LAW
TRAUBIG

Transmittal Cover Sheet

TO Examiner Jason R. Bellinger, Art Unit 3617

Company U.S. PATENT AND TRADEMARK OFFICE - Commissioner of Patents

Fax Number (703) 305-7687

Phone Number

FROM Douglas B. Teaney

File Number 57801.010026 (formerly 2020318 - please note new no.)

Comments US Ser. No. 10/086,229, Filed February 27, 2002

Date July 28, 2003

Time

No. Pages Including this cover sheet 12

Please notify us immediately if not received properly at 312-456-8400.

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77 West Wacker Drive, Suite 2500, Chicago, Illinois 60601 (312) 456-8400 Fax (312) 456-8435

Ex.B.